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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,482	07/29/2003	Kazuyuki Kurosawa	03462LH	9669
1933 7590 08/11/2008 FRISHAUF, HOLTZ, GOODMAN & CHICK, PC 220 Fifth Avenue 16TH Floor NEW YORK, NY 10001-7708				
EXAMINER				
TRAN, NHAN T				
ART UNIT		PAPER NUMBER		
2622				
MAIL DATE		DELIVERY MODE		
08/11/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action**  
**Before the Filing of an Appeal Brief**

**Application No.**

10/630,482

**Applicant(s)**

KUROSAWA, KAZUYUKI

**Examiner**

NHAN T. TRAN

**Art Unit**

2622

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 22 July 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 11-18, 21 and 22.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

/Nhan T. Tran/  
Primary Examiner, Art Unit 2622

Continuation of 11, does NOT place the application in condition for allowance because:

The Applicant argues that:

- (i) The process of judging the shutter key release and waiting for the chattering time are in reverse order in Tatsuya as compared to the claimed present invention. (Remarks, page 10).
- (ii) Tatsuya does not teach or suggest the feature of the claimed present invention whereby when an initial change to an on state in the operation signal is sensed, an instruction to cause the image pickup element to start to pick up the image of the object is provided when the on state is sensed once. This is because there is no disclosure in Tatsuya of detecting a rising (edge) of an operation signal (shutter key's on signal) to determine that the shutter key is pressed as according to the claimed present invention. (Remarks, pages 10-11).

In response, the Examiner understands the Applicant's arguments but respectfully disagrees with the Applicant's assessment of the claims for the following reasons:

- (i) Since the claims are broadly recited, the claimed limitations are given their broadest interpretations. As seen from Fig. 4 of Tatsuya, the shutter is determined as released when the input signal is sensed as active low for a predetermined of times (continuously sensed). This is inherent in Fig. 4, wherein after the "OFF", the input signal is sensed continuously as active low, thus the OFF state of the shutter key is set during this entire period of active low. From this point of view, Tatsuya has met the claimed limitations in which the shutter is released when the active low of the input signal is sensed successively (continuously) a predetermined of times right after the "OFF" shown in Fig. 4.
- (ii) The claims do not require detecting of a rising (edge) of an operation signal but rather broadly reciting limitations for sensing the on state once to start to pick up an image. As also shown in Fig. 4 of Tatsuya, when the on state is sensed once where an active high of the input signal is sensed once (indicated by the whole period from 0.0 ~ 0.9 sec.), an instruction to cause the image pickup element to start to pick up the image of the object when this on state is sensed once (one press only during this period). The claimed limitations can broadly be read as when the shutter key is pressed once (one press regardless of the length of pressing time), the camera starts to pick up an image. Because the claims do not specifically claim the rising edge of the operation signal as argued by the Applicant, the limitations are met by the interpretation above.

In view of the above, the rejection is maintained.